



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,231	06/22/2001	Brian Siegel	50P4086.01	7537

27774 7590 04/23/2004

MAYER, FORTKORT & WILLIAMS, PC  
251 NORTH AVENUE WEST  
2ND FLOOR  
WESTFIELD, NJ 07090

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
----------	--------------

2172

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

21

**Office Action Summary****Application No.**

09/888,231

**Applicant(s)**

SIEGEL ET AL.

**Examiner**

Isaac M Woo

**Art Unit**

2172

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 and 64-121 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 and 64-121 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to Applicant's amendments, filed on February 23, 2003 have been considered but are deemed moot in view of new ground of rejections below.
2. Claims 25, 34, 52, 59, 80, 89 and 113 are amended. Claim 63 is canceled. And claims 1-62 and 64 121 are pending.

### **Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-62 and 64-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (6,662,192).

With respect to claim 1-5, Rebane discloses, acquiring a search result (survey questionnaire), responsive to the search request, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-54, col. 13, lines 21-67 to col. 14, lines 1-46); selecting a plurality of individuals who were previously in communication with at least

Art Unit: 2172

one of the information sites over the packet-switched network (Internet) and who meet at least one predefined criterion selected by the user, see (fig. 17, categories, col. 33, lines 7-18); retrieving (by searching, fig. 18) from a database a plurality of evaluations of at least one of the information sites, the evaluations being provided by the plurality of individuals for the plurality of information sites (fig. 18, for instance, , Store Name, Outpost.com, Mercate, Inc, eCost.com, etc), see (fig. 18, col. 33, lines 18-67); and forwarding a rating based on the evaluations to the user over the packet switched network, see (fig. 18, col. 33, lines 18-67). Rebane does not explicitly disclose network address for the plurality of information sites. However, the network address for the information sites is URL (network address). And Rebane discloses URL (such as, Outpost .com, Ecost.com, etc., are all Internet address that are provided to users), see (fig. 18). Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include network address for the plurality of information sites in the system of the Rebane. Because network address is used to communicate in network or Internet system.

With respect to claims 6-7, 35-36, and 61-62, Rebane discloses, the evaluations are quantitative evaluations and qualitative evaluations (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claim 8, Rebane discloses, the rating includes a ranking of the plurality of information sites, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 9-12, 37-40, and 64-67, Rebane discloses, the packet-switched network is the Internet and the network address is an Internet address, and internet address, site, is URL, see (fig. 1a-g, col. 8, lines 61-67, such as, Outpost .com, Ecost.com, etc).

With respect to claims 13, 41, and 68, Rebane discloses, the user interface device is a personal computer, see (12, fig. 3, col. 14, lines 47-67 to col. 15, lines 1-65).

With respect to claims 16, 43, and 71, Rebane discloses, the plurality of individuals providing an evaluation includes a plurality of participants and the window further includes a pull-down menu that includes the series of predefined criteria for selecting a subset of the participants, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 17, 44 and 72, Rebane discloses, the predefined criteria include self-rated levels of expertise in predefined categories, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 18, 45 and 73, Rebane discloses, the predefined criteria are selected from the group consisting of activities, hobbies, demographics, subjects studied, and professional affiliations, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 19-21, 46-48 and 74-76, Rebane discloses, the user and the plurality of individuals are subscribers to a common service, internet service provider, operated by search engine operator, see (fig. 3, col. 14, lines 47-67 to col. 15, lines 1-65).

With respect to claims 22, 49 and 77, Rebane discloses, the window includes a text box for receiving user evaluations of the information site, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 23, 50 and 78, Rebane discloses, the pull-down menu that includes a list of predefined ratings reflecting user evaluations of the information site, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 24, 51 and 79, Rebane discloses, pull-down menu that includes a list of predefined ratings reflecting user evaluations of the information site, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claims 25-28, 52-54 and 80-83, Rebane discloses, forwarding an advertisement to the user over the packet-switched network (Internet), wherein advertisement is as separate from a forwarding rating and the advertisement is provided in the window and the advertisement based at least in part on the search request and based at least in part on user information located in the database, see (fig. 3, col. 14, lines 47-67 to col. 15, lines 1-65 pop-up window is used for advertisement banner on web browser).

With respect to claims 29 and 84, Rebane discloses, the search request is a key word search request, see (fig. 16-18, col. 33, lines 6-65).

With respect to claims 30, 55 and 85, Rebane discloses, the connectivity to the packet-switched network for the user interface device, see (fig.3, col. 14, lines 47-67 to col. 15, lines 1-65).

With respect to claims 31-33, 56-58 and 86-88, Rebane discloses, the biographic information concerning the plurality of individuals, the self-rated levels of expertise in predefined categories of information selected from the group consisting of activities, hobbies, demographics, subjects studied, and professional affiliations, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-5).

With respect to claim 34, Rebane discloses, receiving over packet-switched network a request from the user to receive an evaluation of information sites, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-54, col. 13, lines 21-67 to col. 14, lines 1-46); retrieving (by searching, fig. 18) from a database a plurality of evaluations of the information sites, provided by the plurality of individuals who meet at least one predefined criteria selected by the user and who were previously in communication with the information sites over the packet-switched network for the plurality of information sites (fig. 18, for instance, , Store Name, Outpost.com, Mercate, Inc, eCost.com, etc), see (fig. 18, col. 33, lines 18-67); a plurality of individuals who were previously in communication with at least one of the information sites over the packet-switched network (Internet) and who meet at least one predefined criterion selected by the user, see (fig. 17, categories, col. 33, lines 7-18); and forwarding a rating based on the evaluations to the user over the packet switched network, see (fig. 18, col. 33, lines 18-67). Rebane discloses, predefined criteria for the plurality of evaluations retrieved from database (fig. 18, col. 33, lines 18-67). Rebane does not explicitly disclose the predefined criteria to be less than a total number of evaluations provided by individuals previously in communication with the information sites. However, Rebane discloses the predefined criteria with check boxes (fig. 1a-g) and the database stores the result of survey questionnaire based on predefined categories. One predefined category can receive multiple answers from multiple users. Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to include the predefined criteria to be less than a total number of



evaluations provided by individuals previously in communication with the information sites. Because in the survey questionnaire (internet poll or vote) based on categories, answers for categories are multiple answers that are more than defined categories.

With respect to claim 59, Rebane discloses, database (col. 13, lines 21-67 to col. 14, lines 1-46) that includes at least one evaluation of at least one of the information sites and network address, the evaluation provided by at least one individual who was previously in communication with at least one of information sites over the packet-switched network, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-54, col. 13, lines 21-67 to col. 14, lines 1-46); processor for developing a rating base on the at least one evaluation, see (col.8, lines 35-67 to col. 9, lines 1-67); and server in communication with the packet-switched network for receiving a search result, responsive to the search request, which include network address for the plurality of information sites and for forwarding the rating to the users over the packet-switched network, see (fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-54, col. 13, lines 21-67 to col. 14, lines 1-46); Rebane discloses rating of the information sites ,see (fig. 18). Rebane does not explicitly discloses rating include a raking of the plurality of information sites. However, Rebane discloses sort Results by "Overall Rating" and information sites are displayed based on the request of the sort Results, (fig. 18) which teaches the information sites are displayed based rating that provided by users according to ranking request by user. Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include rating

Art Unit: 2172

include a ranking of the plurality of information sites. Because displaying information ranking order provides user-friendly displaying, thus user can understand easily in the computer displaying system.

5. Claims 89-121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rebane (6,662,192) in view of Gupta et al (U.S. Patent No. 6,487,538, hereinafter, "Gupta").

With respect to claim 89, Rebane discloses, acquiring search result, responsive to the search request, see (fig. 18, fig. 1a-g, col. 8, lines 61-67 to col. 8, lines 1-67 to col. 10, lines 1-54, col. 13, lines 21-67 to col. 14, lines 1-46) which includes network addresses for the plurality of information sites, the network address for the information sites is URL (network address, such as, Outpost .com, Ecost.com, etc., are all Internet address that are provided to users), see (fig. 18); selecting a plurality of individuals who were previously in communication with at least one of the information sites over the packet-switched network and who meet at predefined criterion selected by the user, see (fig. 17, categories, col. 33, lines 7-18); retrieving from a database a plurality of evaluations of at least one of the information sites, the evaluations being provided by the plurality of individuals who were previously in communication with the at least one of the information sites over the packet switched network, see (fig. 18, col. 33, lines 18-67); forwarding the advertisement to the user over the packet switched network, see, (fig. 18, col. 33, lines 18-67). Rebane does not explicitly selecting an advertisement

based on at least in part on information received from the user, wherein the advertisement selected does not contain information included in the plurality of retrieved evaluations. However, Gupta discloses, "Advertising space on the internet often appears as a banner or icon on a web page. Banners often range from 1/2-4 inches high and 4-8 1/2 inches wide. The banner or icon may be an image, text, or an image with text. Additionally, the banner or icon may have hyperlink or the advertiser's web page. Thus, if a user clicks on an advertiser's banner's banner, the user's browser will load the advertiser's web page, see (col. 4, lines 19-36). This teaches that the advertising banner is separate web browser and can be broadcasted separately with other web information. Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include selecting an advertisement based on at least in part on information received from the user, wherein the advertisement selected does not contain information included in the plurality of retrieved evaluations in the system of Rebane. Because the banner separate web browser that is used as advertisement independently with other browsers in Internet web browser system.

Claims 90-121 are rejected according to claims rejected in 1-62 and 64-88.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

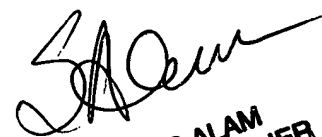
**Contact Information**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW  
April 8, 2004

  
SHAHID ALAM  
PRIMARY EXAMINER